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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,940	04/24/2006	Manabu Honma	33082M320	9917
441	7590	07/22/2008	EXAMINER	
SMITH, GAMBRELL & RUSSELL			CHANDRA, SATISH	
1130 CONNECTICUT AVENUE, N.W., SUITE 1130				
WASHINGTON, DC 20036			ART UNIT	PAPER NUMBER
			1792	
			MAIL DATE	DELIVERY MODE
			07/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/576,940	HONMA ET AL.
	Examiner	Art Unit
	SATISH CHANDRA	1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 April 2008.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 12 is/are pending in the application.
 4a) Of the above claim(s) 5 - 7, 9 - 12 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 - 4 and 8 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 April 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/06, 8/06, 9/06 and 10/07</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Election/Restrictions

Applicant's election of Species A, Claims 1 – 4 and 8 in the reply filed on 4/16/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 recites the limitation "third flange, fourth flange, third and fourth o-rings" in processing apparatus. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 - 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okase (US 5,329,095) in view of Shimazu et al (US 6,283,175).

Okase discloses:

Regarding claims 1, 3, 4, a longitudinal type of thermal processing apparatus (Fig 1) comprising: a processing container 21 (Column 3, lines 57 – 67) made of quartz, having an opening part 23 at a lower end thereof,

a lid body 26 (Column 4, lines 7 – 11) provided under the opening part, capable of moving up and down so as to open and close the opening part 23, a holder 24 (quartz boat) provided on the lid (Column 4, lines 11 - 17), capable of hold a plurality of wafers to be processed in a tier-like manner, and a heating unit 22 (coil shaped heater) provided around the processing container, wherein

the lid has an inner lid part made of quartz that comes in contact with a lower-end surface of the opening part, and an outer lid part made of a metal, SUS (Column 4, lines 50 – 67) that covers an outside surface of the inner lid part.

Regarding claim 2, a loop shaped circulation path 31 (Fig 1) which circulates a cooling medium is arranged on the outside of the lid body 26 and is formed of SUS material (special-use stainless steel, Column 4, lines 53 – 59).

Regarding claims 3 and 4, a heating device 40 is provided on the inner surface of the lid body 26 facing the process tube (Column 4, lines 60 - 62).

Okase does not disclose:

Regarding claim 1, an outer-periphery upper portion of the inner lid part is located inside an outer- periphery edge of the lower-end surface of the opening part, and

an O-ring is provided on an inner-periphery upper portion of the outer lid part so as to come in contact with a surface of the outer-periphery upper portion of the inner lid

part and the lower-end surface of the opening part in order to seal therebetween. The use of o-rings is well known in the art and it would have obvious to a skilled artisan to provide o-rings between the outer and inner lid parts for sealing purpose in the apparatus of Okase.

Regarding claim 3, the heater is provided in the space, formed between the inner lid part and the outer lid part.

Regarding claim 4, the lower-end surface of the opening part and the upper-end surface of the inner lid part, which come in contact with each other, are mirror finished.

Shimazu discloses:

Regarding claims 1 and 3, a vertical heat treating device wherein the lid 6 (Fig 1, Column 8, lines 32 – 39) is mounted on the tray 58 made of a metal such as stainless steel. A heater 57 is provided in the space between the inner lid 6 and the outer lid 58 (Fig 1). The lid 6 (inner lid) is located inside the outer periphery edge of the tray 58 (Fig 1).

Regarding claim 4, the flange 12 is provided with first mirror surface 49a having an annular or looped shape arranged on the inner side and the flange 6a is provided with a second mirror surface 49b (Column 7, lines 13 – 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lid made of quartz comprising an inner part located inside the outer periphery edge of outer lid made of metal in the apparatus of Okase as taught by Shimazu; provide a flange wherein the lower-end surface of the

opening part and the upper-end surface of the inner lid part are mirror finished in the apparatus of Okase as taught by Shimazu.

The motivation for providing a lid made of quartz comprising an inner part located inside the outer periphery edge of outer lid made of metal in the apparatus of Okase is to optimize the lid material in the apparatus of Okase as taught by Shimazu.

The motivation for providing mirror finished surfaces in a flange in the apparatus of Okase is to provide an alternate and equivalent sealing mechanism in the apparatus of Okase as taught by Shimazu.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okase (US 5,329,095) in view of Shimazu et al (US 6,283,175) as discussed in claims 1 – 4 above and further in view of Shimazu et al (US 6,030,457).

Okase et al and Shimazu et al ('175) were discussed above.

Shimazu ('175) further discloses: a flange 6 (lid) comprising a boss 68 integrally formed with the flange 6 wherein the boss 68 surrounds the rotational mechanism 59 and boss 68 is supported by the flange 61 of the rotational mechanism 59 (Fig 1). Providing a plurality of o-rings between flanges is well known in the art.

Okase et al and Shimazu et al ('175) do not disclose:

Regarding claim 8, a gas-discharging hole for vacuuming a space defined by the lower-end surface of the boss part.

Shimazu et al ('457) discloses: in Fig 2, a lid 3 provided with a central hole 32 and an annular boss (not labeled) formed integrally on the lower surface of the flange surrounding the hole 32. A tubular casing 5 of stainless steel is joined to the lower

surface of the flange 33 with an o-ring 5a compressed therebetween. A tubular member 30 of a stainless steel fitting is fitted in a bore defined by the annular boss and the flange 33. A circular evacuating groove 51 is formed in the surface of the casing 5 contiguous with the lower surface of the flange 33.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a gas discharging hole for vacuuming a space defined by the lower end surface of the boss of the flange in the apparatus of Okase et al and Shimazu et al ('175) as taught by Shimazu et al ('457). It would have been obvious to a skilled artisan to combine prior art elements to yield predictable results such as providing a gas discharging hole for vacuuming a space defined by the lower end surface of the boss of the flange in the apparatus of Okase et al and Shimazu et al ('175) as taught by Shimazu et al ('457).

The motivation for providing a gas discharging hole for vacuuming a space defined by the lower end surface of the boss of the flange in the apparatus of Okase et al and Shimazu et al ('175) is to prevent gases emanating from the o-ring 5a from leaking into a processing chamber by evacuating through the evacuating passage in the apparatus of Okase et al and Shimazu et al ('175) as taught by Shimazu et al ('457).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SATISH CHANDRA whose telephone number is (571)272-3769. The examiner can normally be reached on 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, Primary Examiner, Jeffrie R. Lund can be reached on 571-272-1437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrie R. Lund/
Primary Examiner, Art Unit 1792

Satish Chandra

Jeffrie R. Lund
Primary Examiner

SC
6/6/2008